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RECORD OF PROCEEDINGS

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**MINUTES OF THE BOARD OF DIRECTORS OF  
THE ARAPAHOE COUNTY WATER AND WASTEWATER AUTHORITY**

HELD: July 8, 2009

13031 E. Caley Ave.  
Centennial, CO 80111

**ATTENDANCE:**

Present were Directors: Hap Henderson, Jim Dyer, Doyle Tinkey, Alan Leak, Rod Bockenfeld and Marie Mackenzie. Also in attendance were: Gary Atkin, Jennie Achee, Arnie Reil, Martin Stegmiller, Steve Witter, Patty Pratt, Carol Bauman, and Legal Counsel Rick Kron of Grimshaw & Harring. Guests in attendance were: Wayne Lorenz, Wright Water Engineers; Casey Davenhill, Cherry Creek Stewardship Partners; Sandy Laws and Alicia Olson, Lawscomm; Roger Hartman, *thc* Utility Management Specialists; John McCarty, Southeast Metro Stormwater Authority (SEMSWA); Linda Lehrer, Sierra Consulting; Pat Mulhern, Cottonwood Water and Sanitation District (CWSD) and Inverness Water and Sanitation District (IWSD); and Dan Neihus, RN Civil Construction.

**CALL TO ORDER:**

Director Henderson called the meeting to order at 9:05 a.m. in the Arapahoe Conference Room of the Arapahoe County Water and Wastewater Authority (ACWWA) office at 13031 E. Caley Ave., Centennial, CO 80111. General Manager Atkin led the Pledge of Allegiance.

**ADOPTION OF THE AGENDA:**

A motion was made by Director Dyer and seconded by Director Tinkey to approve the Agenda. With no discussion needed, Director Henderson called for a vote. The motion passed 4 to 0.

**PUBLIC FORUM**

Nobody chose to address the board in public forum.

**CONSENT AGENDA**

Director Henderson explained that the Consent Agenda would be modified from the proposed agenda to include several items from the PDAC Committee. A motion was made

by Director Dyer and seconded by Director Leak to approve the Consent Agenda. The motion passed 4 to 0. The consent agenda consists of the following items:

1. Approval of Meeting Minutes for June 10, 2009
2. Approve Payment Requests for June 2009.
3. Approve Recommendations from Finance Committee:
  - A. Approve Resolution No. 2009-01 Designating ACWWA's Agent for Bond Payments, Bond Registrar, and Dissemination.
  - B. Approve Revised Finance Policy.
4. Approve Recommendations from PDAC:
  - A. Approve JWPP (P-15) change Order #6
  - B. Approve LTCWRF (P-23) change order #9
  - C. Work Orders
    1. Chaparral Pump Station Amendment No. 2 WW-007
    2. Chaparral Pump Station Amendment No. 3 WW-003
  - D. Award of Failure Analysis Project to Tetra Tech
  - E. Award of CIP #15 and CIP #87 to T. Lowell Construction
  - F. Exterior Facility Security Fencing
  - G. Pre-purchase of TPQ Well and Brine Vault Equipment

#### GENERAL BUSINESS ACTION ITEMS:

Due to a scheduling conflict, Director Henderson requested that Item No. 7 be moved up to the first item under General Business Action Items.

Item No. 7 – Temporary Intergovernmental Agreement (IGA) with Inverness Water and Sanitation District

Mr. Atkin explained that the Interim IGA was modified slightly since the preparation of the Board packet, including a "true-up" after the final price is determined from \$5.37/1000 gallons. With any price fluctuation a "true-up" would be made by the parties. The IGA has been approved by the Inverness Water and Sanitation District Board. A permanent IGA will be finalized later this year once a price per thousand gallons has been agreed upon. A motion was made by Director Tinkey and seconded by Director Dyer to approve the modified Interim IGA as proposed. The motion passed 4 to 0.

Director Mackenzie arrived at 9:12 a.m.

Director Bockenfeld arrived at 9:20 a.m.

Item No. 4 – Discussion and Presentation by Casey Davenport of the Cherry Creek Stewardship Partners (CCSP).

Ms. Davenhill explained the various projects and successes that CCSP has accomplished over the last year. Ms. Davenhill explained the benefits of ACWWA's sustaining membership and how ACWWA can get more involved. Ms. Davenhill presented CCSP's 2008 Annual Report and invited ACWWA Directors to the 2009 CCSP's "Teacher Training Workshop BarBQ" on Wednesday, July 15, 2009, 6:00 p.m. at the Prairie Canyon Ranch.

Item No. 5 – Discussion and Presentation by Roger Hartman of *thc* Utility Management Specialists

Mr. Hartman presented a follow-up to the June 3, 2009 Board of Directors' Meeting regarding current and expected water supply and acquisition projects. Mr. Hartman's analysis focused on how to finance such projects, primarily through revenue bonds issued by ACWWA.

Item No. 6 – Discussion and Possible Action Regarding the Selection of Lawscomm to Provide Media Relations Professional Services.

Ms. Laws gave a presentation to the Board regarding her company and the various services available including Media Relations, specifically crisis communication. Ms. Lehrer of Sierra Consulting also spoke regarding her role in ACWWA's public relations campaign. A motion was made by Director Bockenfeld and seconded by Director Tinkey for ACWWA to enter into a Master Service Agreement with Lawscomm, along with two Forms of Work Order; one for Media Relations "crisis" training with an approved budget of \$5,000 and the second for general public relations work at \$150/hour, with a cap of \$5,000. The motion passed 6 to 0.

Item No. 8 – Discussion and Possible Action Regarding a landscape Agreement with Parker Jordan Metro District and Southcreek HOA.

Mr. Kron and Director Leak explained the proposed Agreement and need for same. A motion was made by Director Henderson and seconded by Director Tinkey to approve the agreement between ACWWA, Parker Jordan Metro District and Southcreek HOA subject to the inclusion of a termination provision in the event ACWWA abandons the well. The motion passed 6 to 0.

Item No. 9 – Discussion and Possible Action on Award of Chapparral Pump Station to Jennison Construction, Inc. (Jennison)

Mr. Reil reported that there were seven bids and after a lengthy discussion, the PDAC Committee recommended Jennison. Mr. Reil explained that Jennison was chosen due to the fact that the three lowest bidders did not meet the required specifications. A motion was made by Director Dyer and seconded by Director Leak to approve the award of the contract to Jennison Construction, Inc. Director Henderson asked for discussion. Dan Neihus of RN Civil Construction was invited to address the Board. Director Henderson granted permission. Mr. Lorenz of Wright Water Engineers, who had assisted with the evaluation of bidders and worked with Jennison, assured the Board that the PDAC had valid project-related reasons for the choice of Jennison. The motion passed 6 to 0.

## INFORMATION ITEMS AND REPORTS

### Item No. 10 – General Manager Report.

Mr. Atkin reported that Items A, E and F would be discussed in Executive Session and due to time constraints, the remaining items would be tabled for future discussion.

- A. Update on South Metro Water Supply Authority Activity.
- B. Update on Cherry Creek Alluvial Modeling Group
- C. Cherry Creek Project Water Authority
- D. Update on Stonegate Village Metro District
- E. Chaparral Pump Station
- F. SEMSWA Update.

## EXECUTIVE SESSION

A motion was made by Director Henderson and seconded by Director Bockenfeld to adjourn to Executive Session to develop negotiating positions, strategy, or instruct negotiators concerning the South Metro Water Supply Authority-Aurora-Denver contract and participation and the proposed SEMSWA-ACWWA Transfer Intergovernmental Agreement, and to consult or receive advice from the attorney on specific legal questions on the Chaparral Pump Station litigation pursuant to Section 24-6-402(4)(b), C.R.S. at 11:15 a.m. The motion passed 6 to 0. (Executive Session meetings are recorded and retained for 90 days.)

A motion was made by Director Henderson and seconded by Director Leak to adjourn the Executive Session. Motion passed 6 to 0.

## LEGAL MATTERS

Mr. Kron reported on the Lavenhar litigation and furnished a copy of the latest filing with the Court. The Board directed the attorney and staff to continue to pursue collection.

## OTHER MATTERS

Mr. Witter invited the Directors to tour the Joint Water Purification Plant.

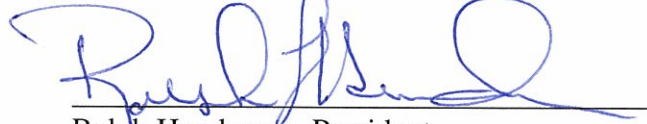
Mr. Atkin invited the Director to the "Hog Wild" VIP Dinner at the Arapahoe County Fair.

## ADJOURNMENT

A motion was made by Director Bockenfeld and seconded by Director Tinkey to adjourn the meeting at 12:10 p.m. The motion passed 6 to 0.

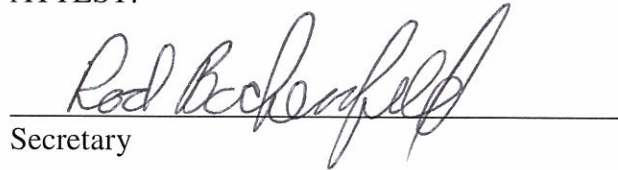
Approved: August 12, 2009.

ARAPAHOE COUNTY WATER AND  
WASTEWATER AUTHORITY



Ralph Henderson, President

ATTEST:

  
Secretary